



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 1376-00
10 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 15 July 1980 at the age of 19. Your record reflects that you served for nearly two years without incident but on 15 March 1982 you received nonjudicial punishment (NJP) for failure possession of marijuana and were awarded a \$618 forfeiture of pay, restriction for 30 days, and a reduction in rate.

Your record further reflects that on 8 April 1983 you received NJP for being incapacitated for duty and using provoking speech. The punishment imposed was forfeitures totalling \$100, reduction in rate, and restriction for 30 days. On 2 August 1983 you received NJP for possession of marijuana and were awarded a reduction in rate, restriction for 30 days, and a \$100 forfeiture of pay. On 12 August 1983 you were convicted by summary court-martial (SCM) of breaking restriction and a 20 day period of unauthorized absence (UA). You were sentenced to confinement at hard labor for 25 days and a \$150 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. In connection with this processing, you elected to waive your right to present your case to an administrative discharge board. On 28 September 1983 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness. On 21 February 1984 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded so that you may make a better future for yourself. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent drug related misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director